

CONFIDENTIAL

Executive

5 January 1950

Budget Officer

Policy - leave

Application of Provisions of Public Law 110 Regarding Home Leave

1. With respect to the comments set forth in paragraph 5 of the memorandum of 13 December 1949 from the Acting Chief, Finance Division, it is desired to point out that the practice followed by the Audit Division, I & S, is the same as that followed by the General Accounting Office and is in accord with the Comptroller General's Decisions. It is necessary for exceptions to be taken to accounts involving excess travel time when such excess time is not satisfactorily explained on the basis of official need. The matter of assessing an individual with a day's leave or other appropriate charge, depending on the amount of excess time involved, is to some extent subject to administrative determination but normally leave would have to be assessed.

2. This office concurs in the recommendation set forth in paragraph 8 (a) regarding "emergency leave" and it is not believed that any difficulty will be encountered in considering emergency leave in the United States performed at the expense of the employee as leave at the foreign station.

3. Informal contacts have previously been made with the General Accounting Office relative to this subject and the Digest Section of GAO advises that the only related decision which has ever been rendered by the Comptroller General on this subject is the one set forth on page 750 of Volume 19. No direct interpretation has ever been made with respect to the effect that "incidental" leave taken while on TDY in the United States would have on the "continuous service" requirement for home leave purposes. While it is considered possible to administratively handle some leave problems which might occur in connection with the trips of individuals who are performing TDY in the United States, it does not appear that the Director is in a position to issue an Agency regulation permitting the taking of such leave without subsequent exceptions being raised in the post audit of travel vouchers.

4. It appears desirable in view of the doubt as to the interpretation which would be placed on this matter by the Comptroller General (informal advice from GAO officials indicates that they are in doubt as to the proper interpretation) to formally request a decision. In this connection it is to be noted that the State Department has taken the attitude that leave taken in the United States does constitute a

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break in continuous service. Insofar as the question "emergency leave" is involved, it appears that leave taken at the foreign station and recorded as such need not be considered as a physical separation from "services abroad".

E. R. SAUNDERS

KEW/vlb

cc: Acting Chief, Finance Div. ✓
Acting Chief, Fiscal Div.
Signer's copy

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